UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,105	10/04/2000	Glenn Reid	004860.P2471	8214

7590 01/17/2007

Lisa Benado
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER	
CHUONG, TRUC T	
ART UNIT	PAPER NUMBER
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/680,105	REID, GLENN	
	Examiner	Art Unit	
	Truc T. Chuong	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-14,16-23,25-31,33-40,42-45,47-50,52-55,57,59-61,63-65,67-69,71-73 and 75-85* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6-14,16-23,25-31,33-40,42-45,47-50,52-55,57,59-61,63-65,67-69;71-73 and 75-85.

DETAILED ACTION

This communication is responsive to the RCE, filed 12/29/06.

Claims 1-4, 6-14, 16-23, 25-31, 33-40, 42-45, 47-50, 52-55, 57, 59-61, 63-65, 67-69, 71-73, and 75-85 are pending in this application. In the communication, claims 1, 11, 20, 28, 73, 76, 79, 82, and 85 are amended. This action is made non-final.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6-14, 16-23, 25-31, 33-40, 42-45, 47-50, 52-55, 57, 59-61, 63-65, 67-69, 71-73, and 75-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreman et al. ("Foreman", U.S. Patent No. 6,628,303 B1) in view of Rosser et al. ("Rosser", U.S. Patent No. 6,100,925).

As to claim 20, Foreman teaches a processing system for collecting a time based stream of information to generate a presentation comprising:

(i) means for communicating with an information source having a time based stream of information (e.g., a video editing system for editing video information which can be captured directly into a timeline, col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9);

(ii) means for presenting capture information from the time based stream of information on a portion of a first interface on the display device (the display area 120, e.g., col. 9 lines 25-20, fig. 8), while the capture information is acquired from the information source in a capture mode, the capture mode to import the time based stream of information into the system (capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9);

(iii) means for presenting process information for constructing the presentation on the display device (The software providing the editing instructions and graphical user interface to access these instructions is also designed to interact the video player, e.g., col. 7 lines 9-11); and

(iv) means for presenting on the first interface on the display (the display area 120, e.g., col. 9 lines 25-20, fig. 8) at least one enabled control element, which is to control editing of the information while the time based stream of information is imported into the system on the first interface {the system of Foreman could be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention, the video information can be captured directly into a timeline representation of a video program (Abstract) to edit the video (col. 8 lines 50-61), and motion video information is captured using this interface 54 and is tied directly to a selected shot, and by capturing motion video information in

this manner, the motion video information is automatically and immediately associated with a selected shot. By capturing video information directly into the timeline representing the motion video program, the need for a "bin" of motion video data files is eliminated and the user interface is simplified. When all shots have been associated with clips, a message may be displayed to the user that tells the user to continue to the next selectable interface, for editing the movie. Nonetheless, the user may still add shots and capture more video (col. 10 lines 6-35). Upon initiation, the first shot in the storyboard for which motion video information has not yet been captured is selected. However, the user may select any given shot in the storyboard region for capturing associated motion video information (col. 10 lines 6-35); therefore, it clearly means that the editing system of Foreman can capture and edit video information at the same time; and, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (Foreman, capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12)}; however, Foreman does not clearly teach the system is capable of editing the information while presenting the capture information from the time based of information that is currently being imported into the system. Rosser clearly teaches a live video insertion system (LVIS) for inserting static/dynamic images or indicia (the information is currently being captured, reviewed, and inserted/edited in an editing mode) into a live video broadcast (the information is currently being imported into the system LIVS as

claimed by the Applicants) in a realistic fashion on a real time basic (Rosser, Abstract, col. 4 lines 34-42, and col. 15 lines 21-29). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the live-image insertion of video streams of Rosser in the image/video editing system of Foreman to reduce confusions from the viewers by only inserting objects/images/indicia into appropriate targets/landmarks located on the displayed screen (Rosser, Abstract).

As to dependent claim 21, Foreman teaches the system further including a means for capturing the time based stream of information from the information source (Foreman, capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9).

As to dependent claims 22-23, Foreman in view of Rosser teaches that the capturing is by executing an interrupt procedure (Foreman, when the user has finished capturing the selected motion video information, the stop button is depressed and the data file on the hard disk is closed, e.g., col. 10 lines 20-25, and if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time rate when capturing images by the camcorder and displaying the images on the display area 120 as shown in figs. 8-11, or note the rejection of claim 1 above).

As to claim 25, Foreman in view of Rosser teaches the system of claim 20, wherein at least one of the enabled control elements is to perform side operations (Foreman, e.g., col. 3 lines 55-59).

As to dependent claim 26, Foreman teaches the system further including a means for presenting an edit output on the same portion of the display for presenting the capture

information (Foreman, entire captured movie/clip can be viewed on the viewer window, e.g., figs. 8 and 13).

As to dependent claim 27, Foreman teaches presenting of capture information is automatic in response to the communicating with the information source (Foreman, other capturing devices are also connected to the editing system, e.g., col. 5 lines 35-50).

As to claims 1-4, 6, and 9-10, they are the equivalent method claims of system claims 20-23, and 25-27 respectively and are rejected under a similar rationale.

As to dependent claim 7, Foreman teaches one of the enable control elements is output control (Foreman, fig. 10 teaches the Effects screen is selected for editing, and the editor can control the outputs such as Play, Volume, and inserting effects to the screen for display).

As to claim 11, Foreman teaches a processing system for generating a presentation of a time based stream of information, the system comprising:

A) a capture port for acquiring the time based stream of intonation (Foreman, e.g., col. 2 lines 45-61 and fig. 8);

B) a display device (Foreman, e.g., figs. 8-10); and

C) a processor coupled to the capture port and to the display device, the processor configured to:

i. complicate with an information source having a time based stream of information through the capture port (Foreman, e.g., a video editing system for editing video information which can be captured directly into a timeline, col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9);

ii. present capture information from the time based stream of infatuation on a portion of a first interface on the display device (the display area 120, e.g., col. 9 lines 25-20, fig. 8) while the capture information is acquired from the information source in a capture mode, the capture mode to import the time based stream of information into the system (Foreman, capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9);

iii. present process information for constructing the presentation on the display device (Foreman, the software providing the editing instructions and graphical user interface to access these instructions is also designed to interact the video player, e.g., col. 7 lines 9-11); and

iv. present on the first interface on display (the display area 120, e.g., col. 9 lines 25-20, fig. 8) at least one enabled control element, which is to control editing of the information while the time based stream of information is imported into the system on the first interface {the system of Foreman could be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention, the video information can be captured directly into a timeline representation of a video program (Abstract) to edit the video (col. 8 lines 50-61), and motion video information is captured using this interface 54 and

is tied directly to a selected shot, and by capturing motion video information in this manner, the motion video information is automatically and immediately associated with a selected shot. By capturing video information directly into the timeline representing the motion video program, the need for a "bin" of motion video data files is eliminated and the user interface is simplified. When all shots have been associated with clips, a message may be displayed to the user that tells the user to continue to the next selectable interface, for editing the movie. Nonetheless, the user may still add shots and capture more video (col. 10 lines 6-35). Upon initiation, the first shot in the storyboard for which motion video information has not yet been captured is selected. However, the user may select any given shot in the storyboard region for capturing associated motion video information (col. 10 lines 6-35); therefore, <u>it clearly means that the editing system of Foreman can capture and edit video information at the same time</u>; and, if the user sends <u>direct signal to the camcorder</u> for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (Foreman, capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12)}; however, Foreman does not clearly teach the system is capable of editing the information while <u>presenting the capture information from</u> the time based of information <u>that is currently being imported</u> into the system. Rosser clearly teaches a live video insertion system

(LVIS) for inserting static/dynamic images or indicia (the information is currently being captured, reviewed, and inserted/edited in an editing mode) into a live video broadcast (the information is currently being imported into the system LIVS as claimed by the Applicants) in a realistic fashion on a real time basic (Rosser, Abstract, col. 4 lines 34-42, and col. 15 lines 21-29). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the live-image insertion of video streams of Rosser in the image/video editing system of Foreman to reduce confusions from the viewers by only inserting objects/images/indicia into appropriate targets/landmarks located on the displayed screen (Rosser, Abstract).

As to claims 12-14, and 16-19, these are the equivalent system claims of method claims 2-4, 6-7 and 9-10 respectively and are rejected under a similar rationale.

As to claim 8, it is the equivalent method claim of system claim 17 and is rejected under a similar rationale.

As to claims 28-31, 33 and 35-36, these are the equivalent program product claims of system claims 20-23, and 25-27 respectively and are rejected under a similar rationale.

As to dependent claim 34, Foreman teaches that the capturing is by executing an interrupt procedure (Foreman, when the user has finished capturing the selected motion video information, the stop button is depressed and the data file on the hard disk is closed, e.g., col. 10 lines 20-25).

As to claims 42, 37, and 76, Foreman in view Rosser teaches a processing system for generating a presentation of a time based stream of information, the system comprising:

A) a capture port for acquiring the time based stream of information (e.g., a video editing system for editing video information which can be captured directly into a timeline, col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9);

B) a display device (figs. 7-12); and

C) a processor coupled to the capture port and to the display device (a computer system to perform editing tasks, e.g., col. 5 lines 20-57), the processor configured to:

i) detect an information source having a time based stream of information in communication with the processing system (e.g., a video editing system for editing video information which can be captured directly into a timeline, col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9), and

ii) automatically present capture information from the time based stream of information on a display in response to detecting (Foreman, col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9), while the capture information is acquired from the information source in a capture mode, the capture mode to import the time based stream of information into the system, wherein the capture mode to import the time based stream of information is displayed at the same rate or substantially the same rate as the transfer rate for the time based stream of information using an interrupt procedure <u>that iterates at the same rate or substantially the same rate as the transfer rate of the time based stream of information</u> {the system of Foreman could be either captured video information, which <u>currently being received</u>, for displaying at the display area 120 directly from the camcorder <u>without</u> using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or

the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention, the video information can be captured directly into a timeline representation of a video program (Abstract) to edit the video (col. 8 lines 50-61), and motion video information is captured using this interface 54 and is tied directly to a selected shot, and by capturing motion video information in this manner, the motion video information is automatically and immediately associated with a selected shot. By capturing video information directly into the timeline representing the motion video program, the need for a "bin" of motion video data files is eliminated and the user interface is simplified. When all shots have been associated with clips, a message may be displayed to the user that tells the user to continue to the next selectable interface, for editing the movie. Nonetheless, the user may still add shots and capture more video (col. 10 lines 6-35). Upon initiation, the first shot in the storyboard for which motion video information has not yet been captured is selected. However, the user may select any given shot in the storyboard region for capturing associated motion video information (col. 10 lines 6-35); therefore, it clearly means that the editing system of Foreman can capture and edit video information at the same time; and, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (Foreman, capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12)}; however, Foreman does not clearly teach the system is capable of editing the information while presenting

the capture information from the time based of information that is currently being imported (or the same/substantially transfer rate for the time based stream) into the system. Rosser clearly teaches a live video insertion system (LVIS) for inserting static/dynamic images or indicia (the information is currently being captured, reviewed, and inserted/edited in an editing mode) into a live video broadcast (the information is currently being imported into the system LIVS as claimed by the Applicants) in a realistic fashion on a real time basic (Rosser, Abstract, col. 4 lines 34-42, and col. 15 lines 21-29). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the live-image insertion of video streams of Rosser in the image/video editing system of Foreman to reduce confusions from the viewers by only inserting objects/images/indicia into appropriate targets/landmarks located on the displayed screen (Rosser, Abstract).

As to claim 38, this is the equivalent method claim of system claim 27 and is rejected under a similar rationale.

As to dependent claim 39, Foreman teaches the detecting is by receiving a signal from the information source through a capture port on the processing system, and wherein the automatically presenting comprises opening a window on the display device {the system of Foreman could be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention, the video

information can be captured directly into a timeline representation of a video program (Abstract) to edit the video (col. 8 lines 50-61), and motion video information is captured using this interface 54 and is tied directly to a selected shot, and by capturing motion video information in this manner, the motion video information is automatically and immediately associated with a selected shot. By capturing video information directly into the timeline representing the motion video program, the need for a "bin" of motion video data files is eliminated and the user interface is simplified. When all shots have been associated with clips, a message may be displayed to the user that tells the user to continue to the next selectable interface, for editing the movie. Nonetheless, the user may still add shots and capture more video (col. 10 lines 6-35). Upon initiation, the first shot in the storyboard for which motion video information has not yet been captured is selected. However, the user may select any given shot in the storyboard region for capturing associated motion video information (col. 10 lines 6-35); therefore, it clearly means that the editing system of Foreman can capture and edit video information at the same time; and, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (Foreman, capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12)}; however, Foreman does not clearly teach the system is capable of editing the information while presenting the capture information from the time based of information that is currently being imported into the system. Rosser clearly teaches a live video insertion system (LVIS) for inserting static/dynamic images or indicia (the information is currently being captured, reviewed, and inserted/edited in

an editing mode) into a live video broadcast (the information is currently being imported into the system LIVS as claimed by the Applicants) in a realistic fashion on a real time basic (Rosser, Abstract, col. 4 lines 34-42, and col. 15 lines 21-29). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the live-image insertion of video streams of Rosser in the image/video editing system of Foreman to reduce confusions from the viewers by only inserting objects/images/indicia into appropriate targets/landmarks located on the displayed screen (Rosser, Abstract).

As to claim 40, it is the equivalent method claims of system claim 21 and is rejected under a similar rationale.

As to claims 43-44, they are the equivalent system claims of method claims 38-39 respectively and are rejected under a similar rationale.

As to dependent claim 45, it is equivalent to system claim 21 and is rejected under a similar rationale.

As to claims 47-50, they are the equivalent system claims of method claims 37-40 respectively and are rejected under a similar rationale.

As to claims 52-55, they are the equivalent product claims of system claims 47-50 respectively and are rejected under a similar rationale.

As to claims 57 and 73, they are the equivalent method claim of system claim 42 and are rejected under a similar rationale; and Foreman also teaches (C) presenting an edit output on the viewing portion of the display during an edit mode (figs. 8-12).

As to claim 59, the system of Foreman could be either captured video information, which <u>currently being received</u>, for displaying at the display area 120 directly from the camcorder

without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention, the video information can be captured directly into a timeline representation of a video program (Abstract) to edit the video (col. 8 lines 50-61), and motion video information is captured using this interface 54 and is tied directly to a selected shot, and by capturing motion video information in this manner, the motion video information is automatically and immediately associated with a selected shot. By capturing video information directly into the timeline representing the motion video program, the need for a "bin" of motion video data files is eliminated and the user interface is simplified. When all shots have been associated with clips, a message may be displayed to the user that tells the user to continue to the next selectable interface, for editing the movie. Nonetheless, the user may still add shots and capture more video (col. 10 lines 6-35). Upon initiation, the first shot in the storyboard for which motion video information has not yet been captured is selected. However, the user may select any given shot in the storyboard region for capturing associated motion video information (col. 10 lines 6-35); therefore, it clearly means that the editing system of Foreman can capture and edit video information at the same time; and, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (Foreman, capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12).

As to claim 60, this is the equivalent method claim of system claim 25 and is rejected under a similar rationale.

As to claim 61, this is the equivalent system claim to generate a presentation of a time based stream of information of system independent claim 42 combined with the method claim 57. Note the rejections of claims 42 and 57 above.

As to claims 63-64, these are system claims of method claims 59-60. Note the rejections of claims 59-60 above respectively.

As to claims 65, and 67-68, these are the equivalent system claims of method claims 57, and 59-60 respectively and are rejected under a similar rationale.

As to claims 69, and 71-72, these are the equivalent program product claims of system claims 65, and 67-68 respectively and are rejected under a similar rationale.

As to dependent claim 75, Foreman teaches the editing window includes a toggle control, element to switch between capture and edit mode within the editing window (Foreman, fig. 8 teaches record and stop buttons on the editing window).

As to dependent claim 77, Foreman teaches the automatically engage is in response to the detect (the system will detect if the capture mode is selected to start recording/bringing the clips into the destination, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9).

As to claim 78, this is the equivalent system claim of claim 75 and is rejected under a similar rationale.

As to claims 79-81, these are the equivalent system claims of method claims 73, 75, and 77 respectively and are rejected under a similar rationale.

As to claims 82-84, these are the equivalent program product claims of method claims 73, 75, and 77 respectively and are rejected under a similar rationale.

As to claim 85, it can be rejected under a similar rationale as claim 1 above.

Response to Arguments

3. Applicant's arguments filed in Amendment filed 12/29/06 have been fully considered but they are not persuasive.

Applicant has argued and Examiner disagrees with the following reasons:

a. Foreman fails to disclose that presenting on the display at least one enabled control element to edit the information on the first interface is performed while the time based stream of the information is imported into the system (or Foreman can only start the editing features after clips for a movie have been captured).

The system of Foreman could be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention, the video information can be captured directly into a timeline representation of a video program (Abstract) to edit the video (col. 8 lines 50-61), and motion video information is captured using this interface 54 and is tied directly to a selected shot, and by capturing motion video information in this manner, the motion video information is automatically and immediately associated with a selected shot. By

capturing video information directly into the timeline representing the motion video program, the need for a "bin" of motion video data files is eliminated and the user interface is simplified. When all shots have been associated with clips, a message may be displayed to the user that tells the user to continue to the next selectable interface, for editing the movie. Nonetheless, the user may still add shots and capture more video (col. 10 lines 6-35). Upon initiation, the first shot in the storyboard for which motion video information has not yet been captured is selected. However, the user may select any given shot in the storyboard region for capturing associated motion video information (col. 10 lines 6-35); therefore, <u>it clearly means that the editing system of Foreman can capture and edit video information at the same time</u>; and, if the user sends <u>direct signal to the camcorder</u> for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (Foreman, capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12).

b. *Foreman fails to teach displaying the captured information at the same rate or substantially the same rate as the transfer rate for the time based stream of information.*

The video information can be <u>captured directly into a timeline</u> representation of a video program (Abstract) to edit the video (col. 8 lines 50-61), and motion video information is captured using this interface 54 and is tied directly to a selected

shot, and by capturing motion video information in this manner, the motion video information is automatically and immediately associated with a selected shot. By capturing video information directly into the timeline representing the motion video program, the need for a "bin" of motion video data files is eliminated and the user interface is simplified. When all shots have been associated with clips, a message may be displayed to the user that tells the user to continue to the next selectable interface, for editing the movie. Nonetheless, the user may still add shots and capture more video (col. 10 lines 6-35). Upon initiation, the first shot in the storyboard for which motion video information has not yet been captured is selected. However, the user may select any given shot in the storyboard region for capturing associated motion video information (col. 10 lines 6-35); therefore, it clearly means that the editing system of Foreman can capture and edit video information at the same time; or if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (Foreman, capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12).

c. *There is no suggestion or motivation to combine Foreman and Rosser.*

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Foreman and Rosser are in the same field of invention, which provides the editing/processing videos/clips/images/frames capabilities. Rosser clearly teaches a <u>live</u> video insertion system (LVIS) for inserting static/dynamic images or indicia (the information is currently being captured, reviewed, and inserted/edited in an editing mode) into a live video broadcast (the information is currently being imported into the system LIVS as claimed by the Applicants) in a realistic fashion on a real time basic (Rosser, Abstract, col. 4 lines 34-42, and col. 15 lines 21-29); therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have the live-image insertion of video streams of Rosser in the image/video editing system of Foreman to reduce confusions from the viewers by only inserting objects/images/indicia into appropriate targets/landmarks located on the displayed screen (Rosser, Abstract).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truc T. Chuong

01/07/07

WEILUN LO
SUPERVISORY PATENT EXAMINER